

5141.4/Reporting of Child Abuse, Neglect, and Sexual Assault

TRUMBULL PUBLIC SCHOOLS
BOARD OF EDUCATION
POLICY MANUAL

SECTION: **5000**
CATEGORY: **Students**
POLICY CODE: **5141.4/Reporting of
Child Abuse, Neglect,
and Sexual Assault**

REPORTING OF CHILD ABUSE, NEGLECT, AND SEXUAL ASSAULT

Policy Statement

The Trumbull Board of Education recognizes its legal and ethical obligations in the reporting of suspected child abuse, neglect, and sexual assault. Any person applying for employment with the Board shall submit to a record check of the Department of Children and Families Child Abuse and Neglect Registry before the person may be hired. Mandated reporters include all school employees, specifically the Superintendent, administrators, teachers, substitute teachers, guidance counselors, school counselors, school paraprofessionals, coaches of intramural and interscholastic athletics, as well as licensed nurses, physicians, psychologists, social workers, and licensed behavior analysts either employed by the Board or working in one of the District schools, or any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in any of the District schools. Any such individual who has reasonable cause to suspect or believe that a child has been abused, neglected, placed in imminent risk of serious harm, or sexually assaulted by a school employee is required to report such abuse, neglect, risk, and/or sexual assault.

A mandated reporter's suspicions may be based on factors including, but not limited to, observations, allegations, or facts by a child, victim, or third party. Suspicion or belief does not require certainty or probable cause.

The Board of Education requires all personnel who have reasonable cause to suspect or believe that a child under the age of eighteen (18) has been abused, has been neglected, has had non-accidental physical injury, or injury which is at variance with the history given of such injury, is placed in imminent danger of serious harm, or has been sexually abused by a school employee to report such cases in accordance with the law, Board policy, and administrative regulations.

A mandated reporter shall make an oral report, by telephone or in person, to the Commissioner of Children and Families, or his/her designee, or a law enforcement agency as soon as possible, but no later than twelve (12) hours after the reporter has reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent risk of serious harm. The Department of Children and Families has established a 24-hour Child Abuse and Neglect Hotline, the Careline, at 1-800-842-2288 for the purpose of making such oral reports. In addition, the mandated reporter shall immediately inform the building principal that he/she will be making such a report. If the principal is unavailable, the mandated reporter shall immediately inform the principal's designee that he/she will be making the report; if the principal is the alleged perpetrator of the abuse/neglect, the mandated reporter shall immediately inform the Superintendent or the Superintendent's designee. No later than forty-eight hours of making the oral report, the mandated reporter shall file a written or electronic report with the Commissioner of Children and Families, or his/her designee, containing all of the required information.

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A mandated reporter may make the required oral report electronically in the manner prescribed by the Commissioner of Children and Families. An online report may be made to the Careline by a mandated reporter if the report is of a non-emergent nature. A non-emergent situation is one in which a report is mandated but the child is not in immediate risk. An employee making an electronic report shall respond to further inquiries from the Commissioner of Children and Families, or his/her designee, made within twenty-four hours. Such employee shall inform the building principal, the principal's designee, the Superintendent, or the Superintendent's designee, as appropriate, as soon as possible as to the nature of the further communication with the Commissioner or his/her designee.

For purposes of required reporting, a child includes any victim under eighteen (18) years of age educated in a District school. Any person who intentionally and unreasonably interferes with or prevents the making of the required report or attempts to conspire to do so shall be guilty of a class D felony, unless such individual is under eighteen (18) years of age or educated in a District school, other than as part of an adult education program.

The oral and written reports shall include, if known:

- (1) the names and addresses of the child and his/her parent(s)/guardian(s) or other persons responsible for his/her care;
- (2) the child's age;
- (3) the child's gender;
- (4) the nature and extent of the child's injury or injuries, maltreatment, or neglect;
- (5) the approximate date and time the injury or injuries, maltreatment, or neglect occurred;
- (6) information concerning any previous injury or injuries to, or maltreatment or neglect of, the child or his/her siblings;
- (7) the circumstances by which the injury or injuries, maltreatment, or neglect came to be known to the reporter;
- (8) the name(s) of the person(s) suspected to be responsible for causing such injury or injuries, maltreatment, or neglect;
- (9) the reason(s) such person(s) is(are) suspected of causing such injury or injuries, maltreatment, or neglect;
- (10) any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment, or neglect of a child; and
- (11) whatever action, if any, was taken to treat, provide shelter for, or otherwise assist the child.

If the report of abuse, neglect, or sexual assault involves an employee of the District as the perpetrator, the District shall conduct its own investigation into the allegation, provided that such investigation shall not interfere with or impede any investigation conducted by the Department of Children and Families or by a law enforcement agency.

The Board recognizes that the Department of Children and Families is required to disclose records to the Superintendent of Schools in response to a mandated reporter's written or oral report of abuse or neglect or if the Commissioner of Children and Families has reasonable belief that a school employee abused or neglected a student. No later than five (5) working days after an investigation of child abuse or neglect by a school employee has been completed, the Department of Children and Families is required to notify the school employee, the Superintendent, and the Commissioner of Education of the investigation's results. If the Department of Children and Families has reasonable cause, and recommends that the employee

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be placed on the Department's Child Abuse and Neglect Registry, the Superintendent shall suspend such employee.

The Board, recognizing its responsibilities to protect children, and in compliance with its statutory obligations, shall provide to each employee in-service training regarding the requirements and obligations of mandated reporters. District employees shall also participate in training offered by the Department of Children and Families. Each school employee is required to complete a refresher training program no later than three years after completion of the initial training program, and shall thereafter retake such refresher training course at least once every three years.

The principal of each school in the District shall annually certify to the Superintendent that each school employee working at that school has completed the required initial training and the refresher training.

State law prohibits retaliation against a mandated reporter for fulfilling his/her obligations to report suspected child abuse, neglect, or sexual assault. The Board shall not retaliate against any mandated reporter for his/her compliance with the law and Board policy pertaining to the reporting of suspected child abuse, neglect, or sexual assault.

The Board will post the telephone number of the Department of Children and Families' Child Abuse Hotline, the Careline, and the Internet web address that provides information about the Careline, in each District school in a conspicuous location frequented by students.

The Board shall maintain a confidential rapid response team to coordinate with the Department of Children and Families to (1) ensure prompt reporting of suspected child abuse or neglect, or 1st-, 2nd-, 3rd-, or 4th-degree sexual assault; 1st-degree aggravated sexual assault; or 3rd-degree sexual assault with a firearm of a student not enrolled in adult education by a school employee; and (2) provide immediate access to information and individuals relevant to the investigation of such cases by the Department of Children and Families.

The confidential rapid response team shall consist of, at minimum, (1) the Superintendent; (2) a District teacher; (3) a local police officer; and (4) the Safe School Climate Coordinator, who shall be the coordinator of this team.

The Department of Children and Families, along with a multidisciplinary team, is required to take immediate action to investigate and address each report of child abuse, neglect, or sexual assault in any school.

The Board of Education shall not employ an individual who was terminated or resigned from employment after a license suspension based on an investigation by the Department of Children and Families if the individual has been convicted of (1) child abuse or neglect; or (2) 1st-, 2nd-, 3rd-, or 4th-degree sexual assault, 1st-degree aggravated sexual assault, or 3rd-degree sexual assault with a firearm of a student who is not enrolled in adult education.

The Board of Education shall not employ an individual who was terminated or resigned if the individual (1) failed to report the suspicion of such crimes when required to do so; or (2) intentionally and unreasonably interfered with or prevented a mandated reporter from carrying

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out this obligation or conspired or attempted to do so. This applies regardless of whether an allegation of abuse, neglect, or sexual assault has been substantiated.

In accordance with the mandates of the law and consistent with its philosophy, the Board in establishing this policy directs the Superintendent of Schools to develop and formalize the necessary rules and regulations to comply fully with the intent of the law. This policy will be distributed annually to all employees.

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Revised: 10/15/1991, 8/1/2000,
9/4/2001, 5/6/2003, 6/14/2005,
2/16/2016, 9/27/2016, 8/28/2018,
5/26/2020

References

- Connecticut Public Act 11-93, “An Act Concerning the Response of School Districts and the Departments of Education and Children and Families to Reports of Child Abuse and Neglect and the Identification of Foster Children in a School District”
- Connecticut Public Act 14-186, “An Act Concerning the Department of Children and Families and the Protection of Children”
- Connecticut Public Act 15-112, “An Act Concerning Unsubstantiated Allegations of Abuse and Neglect by School Employees”
- Connecticut Public Act 15-205, “An Act Protecting School Children”
- Connecticut Public Act 16-188, “An Act Concerning Education Issues”
- Connecticut Public Act 18-17, “An Act Requiring Behavior Analysts to be Mandated Reporters of Suspected Child Abuse and Neglect”

- Connecticut General Statutes §§ 10-151, 10-220a, 10-221d, 17a-28, 17a-101, 17a-101a, 17a-101i, 17a-102, 17a-106, 46a-11b, 53a-70a, 53a-71, 53a-72a, 53a-72b, 53a-73a

Regulations

1. Reporting of Child Abuse, Neglect, or Sexual Assault

a. What Must be Reported

A report must be made when any mandated reporter of the Board of Education, in his/her professional capacity, has reasonable cause to suspect or to believe that a child under the age of eighteen:

- (1) is in danger of being or has been abused;
- (2) has had non-accidental physical injuries or physical injuries which are at variance with the history given for them, inflicted by a person responsible for the child's health, welfare, or care, or by a person given access to such child by a responsible person;
- (3) has been neglected;
- (4) has been sexually assaulted; or
- (5) has been placed in imminent risk of serious harm.

A mandated reporter's suspicions may be based on such factors including, but not limited to, observations, allegations, or facts by a child, victim, or third party. Suspicion or belief does not require certainty or probable cause.

For the purposes of this policy:

"Abused" means that a child (a) has had physical injury or injuries inflicted upon him or her other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment, or cruel punishment.

"Neglected" means that a child (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally, or morally, or (c) is being permitted to live under conditions, circumstances, or associations injurious to his or her well-being; or (d) has been abused.

"School employee" means (a) an administrator, teacher, substitute teacher, guidance counselor, school counselor, school paraprofessional, coach of intramural or interscholastic activities, licensed nurse, physician, psychologist, social worker, or licensed behavior analyst either employed by the Board of working in one of the District schools; or (b) any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the Trumbull Public Schools.

"Sexual assault" means a violation of Sections 53a-70a, 53a-71, 53a-72a, 53a-72b, or 53a-73a of the Connecticut General Statutes.

"Statutory mandated reporter" means an individual required under Connecticut General Statute § 17a-101 to report suspected abuse and/or neglect of children. The term "statutory mandated reporter" includes all school employees as defined above.

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b. Reporting Procedures for Statutory Mandated Reporters

The following procedures apply to statutory mandated reporters as defined above.

When an employee of the Board of Education suspects or believes that a child has been abused, neglected, placed in imminent risk of serious harm, or sexually assaulted, the following steps shall be taken:

- (1) The employee shall immediately, upon having reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent danger of serious harm, or has had non-accidental physical injury or injury which is at variance with the history of such injury, or sexually assaulted, and in no case later than twelve (12) hours after having such a suspicion or belief, make an oral report by telephone or in person to the Commissioner of Children and Families, or his/her designee, or the local law enforcement agency. The Department of Children and Families has established a 24-hour Child Abuse and Neglect Hotline, the Careline, at 1-800-842-2288 for the purpose of making such oral reports.
- (2) In addition, the mandated reporter shall immediately inform the building principal that he/she will be making such a report. If the principal is unavailable, the mandated reporter shall immediately inform the principal's designee that he/she will be making the report; if the principal is the alleged perpetrator of the abuse/neglect, the mandated reporter shall immediately inform the Superintendent or the Superintendent's designee.
- (3) If a report prepared in accordance with (1) above concerns suspected abuse, neglect, or sexual assault by a school employee, the Superintendent or his/her designee shall immediately notify the child's parent(s)/guardian(s) that such a report has been made.
- (4) No later than forty-eight hours of making the oral report, the mandated reporter shall file a written or electronic report with the Commissioner of Children and Families, or his/her designee, containing all of the required information. The written report should be submitted on the official form designated for that purpose.
- (5) The employee shall immediately submit a copy of the written or electronic report to the principal, with copy to the Superintendent or his/her designee.
- (6) A mandated reporter may make the required oral report electronically in the manner prescribed by the Commissioner of Children and Families. An online report may be made to the Careline by a mandated reporter if the report is of a non-emergent nature. A non-emergent situation is one in which a report is mandated but the child is not in immediate risk. An employee making an electronic report shall respond to further inquiries from the Commissioner of Children and Families, or his/her designee, made within twenty-four hours. Such employee shall inform the building principal, the principal's designee, the

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Superintendent, or the Superintendent's designee, as appropriate, as soon as possible as to the nature of the further communication with the Commissioner or his/her designee.

- (7) If a report prepared in accordance with (1) above concerns suspected abuse, neglect, or sexual assault by a school employee who possesses a certificate, permit, or authorization issued by the State Board of Education, the Superintendent shall submit a copy of the written report to the Commissioner of Education or his/her representative.

c. Contents of Reports

For purposes of required reporting, a child includes any victim under eighteen (18) years of age educated in a District school. Any person who intentionally and unreasonably interferes with or prevents the making of the required report or attempts to conspire to do so shall be guilty of a class D felony, unless such individual is under eighteen (18) years of age or educated in a District school, other than as part of an adult education program.

Any oral or written report made pursuant to this policy shall include, if known:

- (1) the names and addresses of the child and his/her parent(s)/guardian(s) or other persons responsible for his/her care;
- (2) the child's age;
- (3) the child's gender;
- (4) the nature and extent of the child's injury or injuries, maltreatment, or neglect;
- (5) the approximate date and time the injury or injuries, maltreatment, or neglect occurred;
- (6) information concerning any previous injury or injuries to, or maltreatment or neglect of, the child or his/her siblings;
- (7) the circumstances by which the injury or injuries, maltreatment, or neglect came to be known to the reporter;
- (8) the name(s) of the person(s) suspected to be responsible for causing such injury or injuries, maltreatment, or neglect;
- (9) the reason(s) such person(s) is(are) suspected of causing such injury or injuries, maltreatment, or neglect;
- (10) any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment, or neglect of a child; and
- (11) whatever action, if any, was taken to treat, provide shelter for, or otherwise assist the child.

d. Investigation of Reports

If the suspected abuser is a school employee, the Superintendent or his/her designee shall thoroughly investigate the report, provided that such investigation shall not interfere with or impede any investigation conducted by the Department of Children and Families or by a law enforcement agency. (In all other cases, the Department of Children and Families shall be responsible for conducting the investigation with the cooperation and collaboration of the Board, as appropriate.) To the extent feasible, this investigation shall be coordinated with the Commissioner of Children and

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Families or the police in order to minimize the number of interviews of any child and to share information with other persons authorized to conduct an investigation of child abuse and neglect. When investigating a report, the Superintendent or his/her designee shall endeavor to obtain, when possible, the consent of parent(s)/guardian(s), or other persons responsible for the care of the child, to interview the child, except in those cases in which there is reason to believe that the parent(s)/guardian(s) or other persons responsible for the care of the child are the perpetrators or the alleged abusers.

The investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of an investigation of suspected abuse by a school employee, the Superintendent may suspend the employee with pay or may place the employee on administrative leave with pay pending the outcome of the investigation.

A person reporting child abuse, neglect, or sexual assault shall provide any person authorized to conduct an investigation into such claim with all information related to the investigation that is in the possession or control of the person reporting child abuse, neglect, or sexual assault, except as expressly prohibited by state or federal law.

After an investigation has been completed, if the Commissioner of Children and Families, based upon the results of such investigation, has reasonable cause to believe that a child has been abused, neglected, or sexually assaulted by an employee who has been entrusted with the care of a child or has recommended that such employee be placed on the Department of Children and Families Child Abuse and Neglect Registry, the Commissioner shall notify, within five (5) working days after completion of the investigation into child abuse, neglect, or sexual assault by a school employee, the Superintendent, the school employee, and the Commissioner of Education of such finding, and shall provide records, whether or not created by the Department of Children and Families, concerning such investigation to the Superintendent and the Commissioner of Education. The Superintendent shall suspend the employee, if not previously suspended, with pay and without diminution or termination of benefits if the Department of Children and Families has reasonable cause that the employee abused or neglected a child and recommends the employee be placed on the Department of Children and Families Child Abuse and Neglect Registry. No later than 72 hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education, or his/her representative, of the reasons for the conditions of suspension. The Superintendent shall disclose records received from the Department of Children and Families to the Commissioner of Education and the Board of Education, and/or its attorney, for the purposes of review of employment status, certification, permit, or authorization. Any decision of the Superintendent concerning such suspension shall remain in effect until the Board of Education acts, pursuant to the provisions of the Connecticut General Statutes. The Commissioner of Education shall also be notified if such certified person resigns from his/her employment in the District. Regardless of the outcome of any investigation by the Department of Children and Families and/or the police, the Superintendent and/or the Board of Education, as appropriate, may take disciplinary action up to and including termination of employment, in accordance with the provisions of any

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applicable statute, if the Superintendent's investigation produces evidence that a child has been abused by a certified, permitted, or authorized school staff member.

If the contract of employment of a school employee holding a certificate, permit, or authorization issued by the State Board of Education is terminated as a result of an investigation into report(s) of child abuse or neglect, the Superintendent shall notify the Commissioner of Education, or his/her representative, within 72 hours of such termination.

e. Delegation of Authority by Superintendent

The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

f. Special Reporting Procedures Concerning Suspected Abuse or Neglect of Intellectually Disabled Persons

In addition to the reporting procedures set forth above, Connecticut General Statutes require that certain school personnel, including teachers, licensed nurses, psychologists, and social workers, report any suspected abuse or neglect of intellectually disabled persons over the age of 18 enrolled in the District. It is policy of the Trumbull Board of Education to require all employees of the Board to comply with the following procedures in connection with the suspected abuse or neglect, as defined below, of any intellectually disabled person over the age of 18 enrolled in the District.

(1) For the purposes of this policy:

“Abused” means the willful infliction of physical pain or injury or willful deprivation by a caretaker of services which are necessary to the person's health or safety.

“Neglect” means a situation where an intellectually disabled person either is living alone or is not able to provide for himself/herself the services which are necessary to maintain his/her physical and mental health, or is not receiving such necessary services from the caretaker.

(2) If an employee has reasonable cause to suspect that an intellectually disabled person has been abused or neglected, he/she shall, within five calendar days, make an oral report to the Director of the Office of Protection and Advocacy for Persons with Disabilities, to be followed by a written report within five additional calendar days, or shall immediately notify the Superintendent in order for the Superintendent to make such oral and written reports to the Office of Protection and Advocacy. In the event that an employee makes a report to the Office of Protection and Advocacy, the employee shall immediately notify the Superintendent.

(3) Any such report shall contain the following information:

- i. the name and address of the allegedly abused or neglected person;

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- ii. a statement from the reporter indicating a belief that the person is intellectually disabled, together with information indicating that the person is unable to protect himself/herself from abuse or neglect;
- iii. information concerning the nature and extent of the abuse or neglect; and
- iv. any additional information that the reporter believes would be helpful in investigating the report or in protecting the intellectually disabled person.

(4) If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report following the procedures regarding the investigation of reports of child abuse set forth in section d above.

If the investigation by the Superintendent and/or the Office of Protection and Advocacy produces evidence that an intellectually disabled person has been abused by a school employee, the Superintendent and/or the Board of Education, as appropriate, may take disciplinary action, up to and including termination of employment.

g. Disciplinary Action for Failure to Follow Policy

Any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

h. Non-Discrimination

The Board of Education shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith, makes a report pursuant to this policy or who testifies or is about to testify in any proceeding involving abuse or neglect.

i. Training

All District employees are required to complete a training program pertaining to the accurate and prompt reporting of abuse and neglect, made available by the Commissioner of Children and Families. In addition, all employees must complete a refresher training program at least once every three years.

The principal of each school in the District shall annually certify to the Superintendent that each school employee working at that school has completed the required initial training and the refresher training.

j. Foster Care

Upon request of the Board of Education, the Department of Children and Families will provide the name, date of birth, and school of origin for each child in the custody of the Department of Children and Families who has been placed in foster care and is attending a District school.

2. Confidential Rapid Response Team

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The Board shall maintain a confidential rapid response team to coordinate with the Department of Children and Families to (1) ensure prompt reporting of suspected child abuse or neglect, or 1st-, 2nd-, 3rd-, or 4th-degree sexual assault; 1st-degree aggravated sexual assault; or 3rd-degree sexual assault with a firearm of a student not enrolled in adult education by a school employee; and (2) provide immediate access to information and individuals relevant to the investigation of such cases by the Department of Children and Families.

The confidential rapid response team shall consist of, at minimum, (1) the Superintendent; (2) a District teacher; (3) a local police officer; and (4) the Safe School Climate Coordinator, who shall be the coordinator of this team.

The Department of Children and Families, along with a multidisciplinary team, is required to take immediate action to investigate and address each report of child abuse, neglect, or sexual assault in any school.

3. Hiring Prohibitions

The Board of Education shall not employ an individual who was terminated or resigned from employment after a license suspension based on an investigation by the Department of Children and Families if the individual has been convicted of (1) child abuse or neglect; or (2) 1st-, 2nd-, 3rd-, or 4th-degree sexual assault, 1st-degree aggravated sexual assault, or 3rd-degree sexual assault with a firearm of a student who is not enrolled in adult education.

The Board of Education shall not employ an individual who was terminated or resigned if the individual (1) failed to report the suspicion of such crimes when required to do so; or (2) intentionally and unreasonably interfered with or prevented a mandated reporter from carrying out this obligation or conspired or attempted to do so. This applies regardless of whether an allegation of abuse, neglect, or sexual assault has been substantiated.